

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARGARET LUNDSTROM,

Plaintiff,

v.

CONTRA COSTA HEALTH SERVICES,

Defendant.

No. 2:22-cv-1398-TLN-AC

ORDER

Plaintiff, who is proceeding in pro se, commenced this action and paid the filing fee on August 8, 2022. ECF No. 1. On September 29, 2022, defendant Contra Costa Health Services filed two motions: a motion to dismiss (ECF No. 5) and a motion to change venue (ECF No. 6). Defendant argued that this matter should be transferred to the Northern District of California where defendant, plaintiff's former employer, is located and where most of the events at issue this action took place. ECF No. 6-1 at 2, 8. On October 14, 2022, plaintiff filed a response to the motion to dismiss. ECF No. 10. In this response, plaintiff stated that she has no objection to transferring venue to the Northern District of California. ECF No. 10 at 1.


The federal venue statute provides that a civil action "may be brought in (1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action

1 is situated, or (3) if there is no district in which an action may otherwise be brought as provided in
2 this action, any judicial district in which any defendant is subject to the court's personal
3 jurisdiction with respect to such action." 28 U.S.C. § 1391(b).

4 In this case, the defendant is in Contra Costa County, California, and most of the events
5 took place there. ECF No. 6-1 at 2, 8. Plaintiff does not object to changing venue to the Northern
6 District of California as defendant requests. ECF No. 10 at 1. In the interest of justice, a federal
7 court may transfer a complaint filed in the wrong district to the correct district. See 28 U.S.C. §
8 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974). Both in the interest of justice
9 and upon the parties' stipulation, this case should be transferred to the Northern District of
10 California for all further proceedings.

11 Accordingly, IT IS HEREBY ORDERED that defendant's motion (ECF No. 6) is
12 GRANTED and this matter is transferred to the United States District Court for the Northern
13 District of California.

14 DATED: October 18, 2022


ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE